IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 14012 of 2006(R)

PETITIONER:

MURALI.K.V. AGED 37 YEARS, JUNIOR LECTURER, NOW WORKING AS HSS TECHER IN KPRGS GHSS, KALIASSERY ON DEPLOYMENT, DEPARTMENT IN PHYSICS, NEHRU ARTS AND SCIENCE COLLEGE, KANHANGAD P.O. PADNEKKAD, KASARAGOD DISTRICT.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS:

1. **THE PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF HIGHER EDUCATION, THIRUVANANTHAPURAM.**
2. **THE MANAGER, NEHRU ARTS AND SCIENCE COLLEGE, KANHANGAD, KASARAGOD.**
3. **THE REGISTRAR, KANNUR UNIVERSITY, KANNUR.**
4. **THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, KOZHIKODE.**
5. **THE DIRECTOR, DEPARTMENT OF HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.**

BY ADV. SRI. K.JAJU BABU, SC, KANNUR UNIVERSITY
SRI.K.ANTONY JOSEPH
GOVERNMENT PLEADER SRI. K.V. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING

WP(C) NO: 14012/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE DEGREE CERTIFICATE IN M.Sc. DT. 25/12/95.

EXT.P2. COPY OF THE CERTIFICATE IN M.PHIL DT. QUALIFIED IN 2003 DT. 22/09/05.

EXT.P2A. COPY OF THE CERTIFICATE OF CSIR-UGC NATIONAL ELIGIBILITY TEST DT. 1/6/05.

EXT.P3. COPY OF THE PROCEEDINGS OF THE R5 BEARING NO. AD. B2. 3352/03/HSE DT. 09/04/2003.

EXT.P3A. COPY OF THE RELIEVING ORDER OBTAINED BY THE PETITIONER FROM HIS PARENT INSTITUTION VIZ. NEHRU ARTS AND SCIENCE COLLEGE, KANHANGAD DT. 30/4/03.

EXT.P4. COPY OF THE GOVT. ORDER GO MS NO. 114/2002/H.EDN DT. 5/09/02.

EXT.P5. COPY OF THE JUDGMENT BY THIS COURT IN OP NO. 2797/03 DT. 11/12/2003.

EXT.P6. COPY OF THE JUDGMENT IN WPC NO. 25784/04 DT. 12/1/2006.

EXT.P7. COPY OF THE APPLICATION DT. 12/2/2006 BY THE PETITIONER TO THE R2.

EXT.P8. COPY OF THE REPLY ISSUED BY THE R2 DT. 24/2/2006.

EXT.P9. COPY OF THE REPRESENTATION BY THE R1 TO THE R5 DT. 24/2/2006.

EXT.P10. COPY OF THE REPRESENTATION BY THE PETITIONER TO THE R1 DT. 4/3/2006.

EXT.P11. COPY OF THE LETTER DT. 22/1/2007 BY THE PRINCIPAL NEHRU ARTS AND SCIENCE COLLEGE, KANHANGAD.

EXT.P11A. COPY OF THE STATEMENT SHOWING THE DETAILS OF ACTUAL WORK LOAD FOR THE YEAR 2005-06 AS ON 1/11/2005.

EXT.P11B. COPY OF THE STATEMENT OF ALLOTMENT OF WORKLOAD AMONG THE TEACHING STAFF FOR THE YEAR 2005-06.

EXT.P11C. COPY OF THE STATEMENT OF ACUTAL WORK LOAD FOR 2006-07 AS ON 1/11/2005.

EXT.P12. COPY OF THE LETTER DT. 29/09/95.

WP(C) NO: 14012/2006

EXT.P13. COPY OF THE ORDER NO. GA/D/8903/79 DT. 22/08/80 BY THE CALICUT UNIVERSITY.

EXT.P14. COPY OF THE GOVERNMENT ORDER DT. 10/08/06.
EXT.P15. COPY OF THE ORDER BEARING REF. NO. GO RT NO. 1469/07/G.EDN DT. 30/3/07 THIRUVANANTHAPURAM.

EXT.P16. COPY OF THE NOTIFICATION DT. 27/04/07 ISSUED BY THE COLLEGE IN DESHABHIMANI NEWSPAPER.

EXT.P17. COPY OF THE JUDGMENT IN WPC NO. 35994/2005 DT. 19/07/2006.

RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE ORDER NO. 724/98 DT. 18/2/98.

EXT.R4B. COPY OF THE UNDERTAKING BY THE PETITIONER.

EXT.R4C. COPY OF AN UNDERTAKING EXECUTED BY THE PETITIONER AT THE TIME OF APPROVAL OF HIS APPOINTMENT.

EXT.R4D. COPY OF THE GO RT NO. 1544/05/H.EDN DT. 24/08/2005.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 14012 OF 2006

Dated this the 5th day of July, 2007.

J U D G M E N T

This writ petition is filed mainly with the following prayer:

> "iii) to issue a writ of mandamus or any other appropriate writ or orders commanding the first respondent to grant permission as required in P10 and to issue necessary orders to the concerned to relieve the petitioner from the higher secondary school so as to enable him to take up the post of lecturer in the second respondent college, forthwith".

2. Petitioner submits that in view of Exhibits P5, P6 and P17 judgments, permission is to be granted. There will be a direction to the first respondent to take appropriate action on Exhibit P10 in the matter of repatriation, with notice to the petitioner and second respondent, in the light of the judgments referred to above and any other relevant material, within a period of one month from the date of production of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp